



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 19027 OF 2026 (GM-CPC)

BETWEEN:

1. M/S NAMMA BENGALURU AQUARIUM PVT LTD.,
A COMPANY INCORPORATED UNDER
THE PROVISIONS OF THE COMPANIES ACT, 2013
REGISTERED OFFICE AT #537, MALATI MANSION,
OPP BRIGADE MILLANIUM APARTMENTS
RBI LAYOUT, JP NAGAR, BENGALURU - 560078
REPRESENTED BY ITS DIRECTOR,
SRI. S. NANDA KUMAR,
S/O LATE K. M. SAMPANGIRAMAIAH,
AGED ABOUT 61 YEARS,
CIN NO. U05000KA2022PTC163137.
2. SRI. S. NANDA KUMAR,
S/O LATE K. M. SAMPANGIRAMAIAH,
AGED ABOUT 61 YEARS,
PROPRIETOR OF M/S BLOO AQUA STUDIO,
HAVING OFFICE AT NO.50,
PUTTENAHALLI MAIN ROAD,
J. P. NAGAR, 7TH PHASE,
BENGALURU - 560 078.

...PETITIONERS

(BY SRI.D.R.RAVISHANKAR, SR.COUNSEL FOR
SRI KESHAV M DATAR, ADVOCATE)

AND:

1. MR JINARAJ YOGRAJ
S/O YOGRAJ B.C.
AGED ABOUT 57 YEARS
SAMRUDDHI COMPLEX,
FIRST FLOOR, MASTIKATTA,
KUMTA (UTTARA KANNADA DISTRICT)-581343



ALSO A DIRECTOR OF
M/S NAMMA BENGALURU
AQUARIUM PVT. LTD.

2. MR. PRANAV NANDA KUMAR,
DIRECTOR OF M/S NAMMA BENGALURU
AQUARIUM PVT. LTD.
AND PROPRIETOR OF M/S AQUARIANS
AQUA SYSTEMS
S/O MR. NANDA KUMAR
AGED ABOUT 32 YEARS,
#537, MALATI MANSION,
OPP BRIGADE MILLANIUM APARTMENTS,
RBI LAYOUT, JP NAGAR,
BENGALURU - 560078.
3. MR. LIKITH NANDA KUMAR,
DIRECTOR OF M/S NAMMA BENGALURU,
AQUARIUM PVT. LTD.
S/O MR. NANDA KUMAR,
AGED ABOUT 28 YEARS,
NO.537, MALATI MANSION,
OPP BRIGADE MILLANIUM APARTMENTS,
RBI LAYOUT, J P NAGAR,
BENGALURU - 560078.
4. MR. CHIRAG PRABHAKAR HAMIGI,
DIRECTOR OF M/S NAMMA BENGALURU,
AQUARIUM PVT. LTD,
S/O PRABHAKAR HAMIGI,
AGED ABOUT 27 YEARS,
NO.268, 10TH CROSS, 30TH MAIN,
J P NAGAR, 1ST PHASE,
BENGALURU - 560078.
5. M/S JINARAJ AND COMPANY,
A PARTNERSHIP FIRM,
SAMRUDDHI COMPLEX,
FIRST FLOOR, MASTIKATTA,
KUMTA (UTTARA KANNADA DISTRICT) - 581343,
REPRESENTED BY ITS MANAGING PARTNER,
MR. JINARAJ Y.



6. M/S AUCTUS DESIGNS AND
DEVELOPMENT PVT. LTD.
FORMERLY KNOWN AS
M/S ACRUS DESIGNS AND DEVELOPMENT PVT. LTD.
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 2013
REGISTERED OFFICE AT
NO. 70, 10TH CROSS, 3RD MAIN ROAD,
SHREYAS COLONY, J P NAGAR, 7TH PHASE,
BENGALURU-560 078
U45209KA2022PTC163640
REPRESENTED BY ITS DIRECTOR
MR. LIKITH NANDAKUMAR.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO (A) CALL FOR RECORDS IN O.S.NO.881/2026 PENDING BEFORE THE HONBLE LXXXII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, COMMERCIAL COURT, BENGALURU (B) SET ASIDE THE ORDER DATED 17.06.2026 PASSED IN O.S.NO.881/2026 PENDING BEFORE THE HONBLE LXXXII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, COMMERCIAL COURT, BENGALURU AND CONSEQUENTLY ALLOW I.A.NO.1/2026 IN O.S.NO.881/2026 THEREBY RESTRAINING THE DEFENDANT NO. 1, 4 AND 5 OR THEIR AGENTS, SERVANTS, HENCHMEN OR ANY ONE CLAIMING UNDER THEM OR ACTING UNDER THEM FROM INTERFERING INTERFERE WITH THE MANAGEMENT, ADMINISTRATION AND ALL AFFAIRS OF THE PLAINTIFF NO. 1 COMPANY (ANNEXURE - A) AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL ORDER

The present writ petition is filed aggrieved by the order dated 17.06.2026 in Com. O.S.No.881/2026 passed by the LXXXII Additional City Civil and Sessions Judge, Commercial Court, Bengaluru on I.A.Nos.1 and 2 wherein, the trial Court without passing orders on the application filed for seeking ad-interim injunction has issued suit summons returnable by 08.07.2026.

2. The petitioners herein filed a suit in Com. O.S. No. 881/2026 seeking a permanent injunction restraining the defendants, their agents, servants, henchmen, or anyone claiming under or acting for them from interfering with the management. In that suit, I.A. Nos. 1 and 2 were filed. I.A. No. 1 was filed under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, seeking an ad-interim injunction.

3. Learned senior counsel Sri D.R. Ravishankar submits that when an application is filed seeking an ad-interim injunction, the Court has to consider it on its merits and pass orders, but the Court cannot issue suit summons. He has relied on the order passed by the Co-ordinate Bench of this Court in ***Dhalitha Vividha Gramodyoga Kaigarika Sahakara Sanga Niyamitha (R) Vs Samatha Sainika Dal SSD***, arising out of



W.P.No.35488/2025(GM-CPC) dated 09.12.2025, whereby

the Co-ordinate Bench of this Court observed as follows:

"6. This Court does not find any need or necessity to issue notice to the respondent-defendant for the reason that the petitioner is questioning the non-passing of the order on the application in IA.No.1, wherein the trial Court has neither passed any order for grant of an ad interim ex parte order of temporary injunction or for rejection of the same.

7. When an application is filed under Order XXXIX Rules 1 and 2 of CPC by the plaintiff along with the plaint seeking an ad interim ex parte order of temporary injunction, it becomes the duty and obligation of the trial Court to consider the same and pass suitable orders either granting or rejecting the ad interim ex parte order of temporary injunction. This Court in the case of Karnataka State Cricket Association vs. Mr.Shashidhara A.V. in WP.No.33725/2025 [Decided on 17.11.2025] has made certain observations and guidelines as to how the trial Court has to deal with an application filed under Order XXXIX Rules 1 and 2 of CPC. It is not optional for the trial Court to merely issue notice to the defendant before passing an interim order of temporary injunction against the defendant.

8. The trial Court will also have to consider judgments of the Hon'ble Apex Court in the cases of Shiv Kumar Chadha vs. Municipal Corporation of Delhi and others reported in (1993)3 SCC 161, Time City Infrastructure and Housing Limited Lucknow vs. State of U.P. and Others reported in 2025 SCC Online SC 1674 and the judgment of the Coordinate Bench of this Court in the case of Vedant Fashions Pvt. Ltd., vs. Smt.Rajul Devi reported in 2014 SCC OnLine Kar 7191 while deciding the application under Order XXXIX Rules 1 and 2 of CPC.



9. It is brought to the notice of this Court that notice is yet to be served on the defendant. Therefore, it would be appropriate for this Court to direct the trial Court to decide the application either granting or rejecting an ad interim ex parte order of temporary injunction by providing proper reasons."

4. Having heard the learned senior counsel representing the learned counsel for the petitioners, perused the entire materials on record and also considering the order passed by the Co-ordinate bench of this Court in ***W.P.No.35488/2025(GM-CPC) dated 09.12.2025***, this Court deems it appropriate to pass the following:

ORDER

- i. Accordingly, the writ petition is ***disposed of*** requesting the LXXXII Additional City Civil and Sessions Judge, Commercial Court, Bengaluru, to consider the I.A.Nos.1 and 2 filed in Com.O.S.No.881/2026 on merits and pass appropriate orders within a period of one week from the date of receipt of the copy of the order notwithstanding the fact that the summons are not served on the respondents/defendants.



- ii. No notice is issued to the respondents/defendants
as the matter is on an ad-interim injunction.
- iii. Petitioners are at liberty to advance the matter.
- iv. All pending I.As., in this petition shall stand
closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

CHS
List No.: 1 SI No.: 20